

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

AMENDED

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 _____

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 _____

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 _____

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☐ C.R. Bard Inc.

11 ☐ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☐ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17 Plaintiff is a citizen of the State of South Carolina, but she also maintains a
18 residence in the Southern District of Georgia where she resides for half of
19 the year. Plaintiff was implanted with Defendants' defective IVC filter in
20 the Southern District of Georgia, and she received most of her medical
21 treatment relating to the injuries caused by the Defendants' defective IVC
22 filter in the Southern District of Georgia.

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☐ Count I: Strict Products Liability – Manufacturing Defect
- ☐ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☐ Count III: Strict Products Liability – Design Defect
- ☐ Count IV: Negligence – Design
- ☐ Count V: Negligence – Manufacture
- ☐ Count VI: Negligence – Failure to Recall/Retrofit
- ☐ Count VII: Negligence – Failure to Warn
- ☐ Count VIII: Negligent Misrepresentation

- ☐ Count IX: Negligence *Per Se*
- ☐ Count X: Breach of Express Warranty
- ☐ Count XI: Breach of Implied Warranty
- ☐ Count XII: Fraudulent Misrepresentation
- ☐ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable State Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages

13. Jury Trial demanded for issues so triable?

- ☐ Yes
- ☐ No

RESPECTFULLY SUBMITTED this ____ day of _____, _____.

\

**BLASINGAME, BURCH, GARRARD &
ASHLEY, P.C.**

/s/ Henry G. Garrard, III

Henry G. Garrard, III, Georgia Bar No. 286300
440 College Avenue
Post Office Box 832
Athens, GA 30603
(706) 354-4000

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Henry G. Garrard, III